

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY S. BERRINGER,

No. C 07-02298 CW (PR)

Petitioner,

ORDER DIRECTING PETITIONER TO
FILE COMPLETED 28 U.S.C. § 2254
HABEAS PETITION FORM

v.

THE PEOPLE,

Respondent.

Petitioner, a prisoner of the State of California, filed a document with the Court in the instant case, which was opened as a habeas corpus action. The Court's docket reveals that Petitioner has never filed a federal habeas petition in this or any other federal district court. As such, he has no federal habeas corpus petition pending. Without an actual petition, this action cannot proceed.

No later than thirty (30) days from the date of this Order, Petitioner shall file with the Court the attached 28 U.S.C. § 2254 habeas petition form, completed in full, including the state post-conviction relief he has sought and any claims he seeks to raise in federal court. Finally, he should clearly write in the correct caption and case number for this action, C 07-02298 CW (PR).

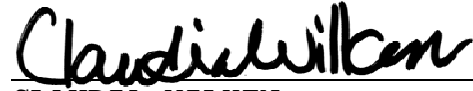
If Petitioner fails to file a completed § 2254 habeas petition form within the thirty-day deadline, the case will be closed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. See Link v. Wabash R.R., 370 U.S. 626, 633 (1962) (pursuant to Rule 41(b), a district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order); see also Malone v. United States Postal Serv., 833 F.2d 128, 133

1 (9th Cir. 1987) (the district court should afford the litigant
2 prior notice before dismissing for failure to prosecute).

3 The Clerk of the Court shall send Petitioner a blank § 2254
4 habeas petition form.

5 IT IS SO ORDERED.

6 Dated: 9/6/07



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY S. BERRINGER,

Plaintiff,

v.

THE PEOPLE et al,

Defendant.

Case Number: CV07-02298 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 6, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Scott Berringer
K-66652
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

w/2254 form

Dated: September 6, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California